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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 09/925,977 | 08/09/2001 | John David Busfield | 786515600022 | 4368 |
| 24325 | 7590 | 06/29/2004 | EXAMINER | |
| STEPHEN D. SCANLON JONES DAY 901 LAKESIDE AVENUE CLEVELAND, OH 44114 | | | NGUYEN BA, HOANG VU A | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2122 | |

DATE MAILED: 06/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|----------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/925,977 | Applicant(s) BUSFIELD, JOHN DAVID | |
| | Examiner Hoang-Vu A Nguyen-Ba | Art Unit 2122 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>1/27/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to application filed August 09, 2001.
2. Claims 1-7 have been examined.

Drawings

3. The drawings are objected to because of the following informalities.
 - a. Figures 1, 9A, 11A, 12A, 14, 15E, 17A, 17B appear to not have proper left margin.
 - b. Figures 17A and 17B appear to not have proper top margin.
Correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 2 and 3 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Claims 2 and 3 are rejected under 35 U.S.C. § 112, second paragraph because they contain the trademark or trade name "JavaScript™" and "VBScript™." Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App.

1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. Accordingly, the identification/description is indefinite.

Claim Rejections – 35 U.S.C. § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-2 and 6-7 are rejected under 35 U.S.C. § 102(a) as being anticipated by SAMS, Teaching Yourself Javascript in 24 Hours.

Claim 1

SAMS discloses at least:

(a) *declaring and defining a function to serve as a parent class* (see at least Chapter Hour 5, section Using Functions; Chapter Hour 11, section Using Objects to Simplify Scripting);

(b) *declaring and defining a function to serve as a child class of the parent class* (see at least Chapter Hour 11, section Using Objects to Simplify Scripting);

(c) *creating a reference to an instance of the child class function* (see at least Chapter Hour 11, section Using Objects to Simplify Scripting);

(d) creating a reference to an instance of the parent class function (see at least Chapter Hour 11, section Using Objects to Simplify Scripting); and

(e) redefining a function contained in the parent class within the child class, whereby the function redefined within the child class is called while preserving the ability to call the function defined within the parent class (see at least Chapter Hour 11, section Using Objects to Simplify Scripting).

Claim 2

The rejection of base claim 1 is incorporated. SAMS further discloses *wherein the scripting language is JavaScript (see at least Chapter Hour 4).*

Claim 6

The rejection of base claim 1 is incorporated. Claim 6 further recites:

*declaring and defining a function to serve as a subclass class of the child class;
creating a reference to an instance of the subclass class function; creating a reference to an instance of the child class function; and redefining a function contained in the child class within the subclass class;*

whereby the function redefined within the subclass class is called while preserving the ability to call the function defined within the child class.

These features are the same features recited in claim 1 applied to a subclass of a child class. The same rejection is thus applied.

Claim 7

Since claim 7 recites a computer-readable medium that contains software for simulating the inheritance properties of object-oriented programming language when

programming using a scripting language comprising the method steps of claim 1, the same rejection is also applied.

Claim Rejections – 35 USC § 103

9. The following is a quotation of the 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAMS as applied to base claim 1, in view of U.S. Patent No. 6,083,276.

Claim 3

The rejection of base claim 1 is incorporated. SAMS does not specifically disclose *wherein the scripting language is VBScript*. However, Davidson teaches that Visual Basic scripting language (VBScript™) is part of a family multi-purpose “scripting” language like Javascript™ that can be used to facilitate coordination and use of external components in the creation and configuration of component-based applications using a test-based descriptive attribute grammar (2:30-33). It would have been obvious to a person having ordinary skill in the art at the time the invention was made to substitute one for the other in accordance with the application for the purpose discussed above.

Claim 4

The rejection of base claim 1 is incorporated. SAMS does not specifically disclose *wherein the scripting language is used to assist in the presentation of multimedia content on a viewing device*. However, Davidson teaches script-oriented “authoring tools” such as Macromedia’s® Director® for a user-friendly development of multi-media applications. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Davidson’s feature in SAMS for the purpose discussed above.

Claim 5

The rejection of base claim 1 is incorporated. SAMS does not specifically disclose *wherein a web page that contains the scripting language is sent over a network to a viewing device so that multimedia content may be presented on the viewing device*. However, Davidson teaches script-oriented “authoring tools” such as Macromedia’s® Director® for a user-friendly development of multi-media applications. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use Davidson’s feature in SAMS for the purpose discussed above.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu “Antony” Nguyen-Ba whose telephone number is (703) 305-0103. The examiner can normally be reached on Tuesday-Friday, 6:00 - 16:15.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTONY NGUYEN-BA
PRIMARY EXAMINER

Art Unit 2122

June 22, 2004